

1 Michael K. Friedland (*Admitted Pro Hac Vice*)
mfriedland@kmob.com
2 Lauren Keller Katzenellenbogen (*Admitted Pro Hac Vice*)
lkeller@kmob.com
3 KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
4 Irvine, CA 92614
Telephone: (949) 760-0404
5 Facsimile: (949) 760-9502

6 Mark Borghese (NV Bar No. 6231)
mark@borgheselegal.com
7 BORGHESE LEGAL, LTD.
10161 Park Run Drive, Suite 150
8 Las Vegas, NV 89145
Telephone: (702) 382-0200
9 Facsimile: (702) 382-0212

10 Attorneys for Plaintiff
89908, Inc.

11
12 Elsie C. Turner (*Admitted Pro Hac Vice*)
elseturner@embarqmail.com
13 LAW OFFICE OF ELSIE C. TURNER
201 Park Place, Suite 204
14 Altamonte Springs, FL 32701
Telephone: (407) 339-3013
15 Facsimile: (407) 339-4244

16 Attorney for Defendant
E-Z Load Gate, Inc.

17
18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE DISTRICT OF NEVADA

20 89908, INC. d/b/a AMP RESEARCH, a
California corporation,

21 Plaintiff,

22 v.

23 E-Z LOAD GATE, INC., a Florida
24 corporation, E-Z LOAD, LLC, a Florida
limited liability company; E-Z LOAD
25 ENTERPRISES, LLC, a Florida limited
liability company; FLOYD A. JACOBS;
26 BRADLEY E. ORTHMANN; and
STEPHEN D. EARLE

27 Defendants.
28

) Case No.:
2:09-CV-02165-PMP-PAL

) **[PROPOSED] STIPULATED**
) **AMENDED JUDGMENT AND**
) **PERMANENT INJUNCTION**

1 Upon joint stipulation of the parties, this Court hereby FINDS, ORDERS,
2 and ADJUDGES as follows:

3 1. This Court has subject matter jurisdiction over this action as well as
4 personal jurisdiction over the parties, and the Court enters this Order following
5 the Order Modifying Automatic Stay to Permit Entry of Stipulated Amended
6 Judgment and Permanent Injunction entered by the United States Bankruptcy
7 Court for the Middle District of Florida in Case Nos. 6:11-bk-01761, 6:11-bk-
8 01764, 6:11-bk-01770, 6:11-bk-01772, 6:11-bk-01773, and 6:11-bk-01774.

9 2. Venue is proper in this district.

10 3. Plaintiff 89908, Inc. dba AMP Research ("AMP Research") is the
11 owner of the following United States Patents:

12 (a) U.S. Patent No. 7,063,366 issued June 20, 2006;

13 (b) U.S. Patent No. D417,859 issued December 19, 1999;

14 (c) U.S. Patent No. D418,106 issued December 28, 1999;

15 (d) U.S. Patent No. 7,654,598 issued February 2, 2010; and

16 (e) U.S. Patent No. 7,681,935 issued March 23, 2010
17 (collectively, "the patents-in-suit").

18 4. Defendants make, use, sell, and offer for sale a bed extender
19 product referred to as the EZ-8555 Ruff N' Tuff HD Bed Extender, shown in
20 Exhibit A hereto.

21 5. Final judgment is hereby entered in favor of AMP Research on all
22 causes of action alleged in this action.

23 6. Defendants are permanently enjoined from engaging in any acts of
24 infringement of the patents-in-suit and must comply with the following terms:

25 (a) Each of the E-Z Load Defendants, namely E-Z Load
26 Gate, Inc., E-Z Load, LLC, E-Z Load Enterprises, LLC, Floyd A.
27 Jacobs, Bradley E. Orthmann, and Stephen D. Earle, their corporate
28 parents, subsidiaries, affiliates, officers, agents, successors or

1 assigns, employees and attorneys ("E-Z Load Parties") and those
2 persons and entities in active concert or participation with the E-Z
3 Load Parties, including but not limited to distributors and resellers,
4 whom may be given notice by AMP Research or its attorneys by
5 delivering a copy of the Court's order, thereby binding them to the
6 same extent as the E-Z Load Parties, are enjoined for the remaining
7 term of the patents-in-suit from infringing, inducing the
8 infringement of, and/or contributorily infringing in any manner,
9 including, but not limited to: manufacturing, using, selling,
10 offering for sale, importing, or distributing the EZ-8555 Ruff N'
11 Tuff HD Bed Extender or any colorable variation thereof.

12 (b) Within fifteen (15) days of entry of this injunction, the
13 E-Z Load Parties shall recall and remove from all distributors and
14 resellers all infringing goods for which the E-Z Load Parties have a
15 contractual right of return or other legal right to recall and remove
16 such products.

17 (c) Within thirty (30) days of entry of this injunction, the
18 E-Z Load Parties shall return all infringing goods in their
19 possession to AMP Research, or shall file a certification with the
20 Court under penalty of perjury stating that all infringing goods
21 have been destroyed.

22 7. AMP Research is awarded lost profits in the amount of \$91,968 for
23 Defendants' infringing sales.

24 8. Defendants have willfully infringed the patents-in-suit, and AMP
25 Research is awarded treble damages. Thus, the total damages awarded is
26 increased to \$275,904.

27 9. Each of the E-Z Load Defendants, namely: E-Z Load Gate, Inc.;
28 E-Z Load, LLC; E-Z Load Enterprises, LLC; Floyd A. Jacobs; Bradley E.

1 Orthmann, and Stephen D. Earle is jointly and severally liable for these
2 damages awarded to AMP Research.

3 10. This is an exceptional case under 35 U.S.C. § 285 entitling AMP
4 Research to an award of its costs in the amount of \$19,041.88, and attorneys'
5 fees in the amount of \$181,183.50.

6 11. No further relief is granted to any party.

7 12. The parties advise that they affirmatively waive any and all rights
8 to appeal this Stipulated Amended Judgment and Permanent Injunction.

9 13. The Court retains jurisdiction over this Stipulated Amended
10 Judgment and Permanent Injunction for the purpose of ensuring compliance
11 with the terms hereof.

12 SO STIPULATED.

13 KNOBBE, MARTENS, OLSON & BEAR, LLP

14
15 Dated: 18 Oct 11

By: 

16 Michael K. Friedland
Lauren Keller Katzenellenbogen

17 Attorneys for Plaintiff, 89908, Inc.

18 LAW OFFICE OF ELSIE C. TURNER

19
20 Dated: 6/7/2011

By: 

21 Elsie C. Turner

22 Attorney for Defendant, E-Z Load Gate, Inc.

23 IT IS SO ORDERED.

24
25 Dated: October 19, 2011.

By: 

26 Honorable Philip M. Pro
27 U.S. DISTRICT JUDGE
28


CERTIFICATE OF SERVICE

I, Michael K. Friedland, certify that on October 18, 2011, I presented the within **[PROPOSED] STIPULATED AMENDED JUDGMENT AND PERMANENT INJUNCTION** to the Clerk of Court for filing and uploading to the ECF system which will send notification to the following:

Elsie C. Turner
Law Office of Elsie C. Turner
283 Crane's Roost Blvd., Suite 111
Altamonte Springs, FL 32701
eturner46@cfl.rr.com

Robert Ryan Morishita
Stephen M. Sanville
Morishita Law Firm
8960 W. Tropicana Ave., Suite 300
Las Vegas, NV 89147
rrm@morishitalawfirm.com
Stephensanville@mac.com

I declare under penalty of perjury that the foregoing statements are true and correct.



Michael K. Friedland
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Attorneys for Plaintiff 89908, Inc.

10967623
101811